

R430. Health, Health Systems Improvement, Child Care Licensing.

R430-50. Residential Certificate Child Care Standards.

R430-50-1. Legal Authority.

This rule is promulgated pursuant to Title 26, Chapter 39.

R430-50-2. Purpose.

This rule establishes standards to protect the health and safety of children who receive services from a residential certificate child care provider.

R430-50-3. Definition.

(1) "Residential certificate child care" means child care provided in the home of a provider for five to eight children, having a regularly scheduled, ongoing enrollment, for direct or indirect compensation.

(2) ASupervision@ means the function of observing, overseeing, and guiding a child or group of children.

R430-50-4. Voluntary Certificate.

A provider of child care for less than five children in the providers home may request a residential certificate.

R430-50-5. Owner Qualifications.

(1) To be eligible for an initial residential certificate the owner must:

(a) be at least 18 years of age;

(b) have a current course completion in basic first-aid and Cardiac Pulmonary Resuscitation (CPR). First-aid and CPR certification refers to courses given by the American Red Cross, the Utah Emergency Medical Training Council, or other courses that the licensee can demonstrate to the Department to be equivalent; and

(c) meet at least one of the following:

(i) have a high school diploma or G.E.D.;

(ii) be an approved federal food program provider as of July 1, 1998; or

(iii) if (i) or (ii) cannot reasonably be met by the owner and an undue hardship is created, the owner may request a variance from the Department.

(2) The owner shall complete a minimum of five hours of Department approved training within 90 days of initial certificate issuance. Documentation of training shall be maintained at the home of the owner. Training will be Department-approved if it includes:

(a) reporting requirements for witnessing or suspicion of abuse, neglect and exploitation;

(b) proper hand washing and sanitation techniques;

(c) recognizing early signs of illness and determining if

there is a need to exclude a sick child from the home;

- (d) accident prevention and safety principles;
- (e) positive guidance for the management of children;
- (f) child development;
- (g) age appropriate activities for children; and

(h) If child care is provided to children under the age of two, the training must also include:

- (i) Preventing Shaken Baby Syndrome;
- (ii) Coping with crying babies; and
- (iii) Preventing Sudden Infant Death Syndrome.

(3) The owner shall ensure that each care giver who has direct contact with or access to children successfully completes the required five hours of department approved training before starting assigned duties.

R430-50-6. Care Giver to Child Ratios.

(1) The owner may not care for more than eight children including the owner's own children under age four. The owner also may not care for more than two children under age two, including the owner's own children under age two.

(2) The owner or substitute care giver shall be physically present on-site and provide care and supervision of children at all times, both indoors and outdoors. This includes:

(a) awareness of and responsibility for the ongoing activity of each child and being near enough to intervene if needed; and

(b) frequent in person observations of children sleeping in cribs and play pens.

(3) The owner may permit a child to participate in supervised out of home activities without the care giver if:

(a) the care giver has prior written permission from the child's parent or guardian for the child's participation; and

(b) the licensee has clearly assigned the responsibility for the child's whereabouts and supervision throughout the period of care

(4) The owner may make arrangements for a substitute who is at least 18 years old and who is capable of providing care and supervision of children and handling emergencies in the absence of the care giver.

R430-50-7. Child Discipline.

(1) The owner shall inform all care givers, parents or guardians and children of expected conduct by setting clear and understandable rules.

(2) Disciplinary measures shall be implemented so as to encourage the child's self-control to reduce the risk of injury and any adverse health effects to self or others. Positive discipline measures include but are not limited to:

- (a) positive behavioral rewards;
- (b) other forms of positive guidance;
- (c) redirection; or
- (d) time out.
- (3) Discipline measures shall not include any of the following:
 - (a) corporal punishment, including hitting, shaking, biting, pinching, or spanking;
 - (b) restraining a child's movement by binding or tying;
 - (c) using abusive, demeaning or profane language;
 - (d) withdrawal of food or bathroom opportunities; or
 - (e) confining a child in a locked closet, room, or similar area; or
 - (f) forcing or withdrawing food, rest, or bathroom opportunities.

R430-50-8. Records.

- (1) The owner shall obtain from the parent or legal guardian an admission agreement, which identifies the following:
 - (a) child's full name and nickname;
 - (b) parent or guardian's name, address and day time phone number;
 - (c) name, address and phone number of at least one additional person to be notified in the event of an emergency if the parent or guardian cannot be located;
 - (d) name, address and phone number of the child's primary source of emergency health and dental care;
 - (e) description of any food sensitivities, allergies or special food needs; and
 - (f) immunization record.
- (2) The owner shall obtain, in advance, from the parent or legal guardian the names, addresses and phone numbers of persons authorized to take the child from the residence.
- (3) The owner shall maintain documentation that all individuals in the home comply with R430-6, Background Clearance.

R430-50-9. Child Health and Medications.

- (1) The owner shall inform the parents or guardians of all injuries and incidents that occur during the child's stay at the home.
 - (a) The owner shall immediately notify the parents or guardians if medical treatment is required.
 - (b) For any emergency that requires a response by emergency medical treatment providers, fatality, or hospitalization of a child in care, the owner shall:
 - (i) notify the Department within 24 hours of occurrence, either by phone or facsimile; and

(ii) submit to the Department within five business days of occurrence a written injury and accident report.

(2) If an owner chooses to administer medications, then the oral over-the counter and all prescription medications must be in the original or pharmacy container, have the original label, include the child's name, have child proof caps, and have written instructions for administration.

(a) The parent or guardian shall provide written permission for the administration of all medications.

(b) The owner shall report any adverse reaction to a medication or error in administration to the parent or legal guardian immediately upon recognizing the error or reaction.

(c) The owner shall ensure that all medications are secured from access to children. If medications are required to be refrigerated, then they shall be stored in spill-proof packaging.

(d) The owner will return all unused and out-of-date medications to the parent or guardian.

(3) The owner may not admit or provide care to a child without proof of current immunizations, or evidence of conditional enrollment, or evidence of a personal, medical or religious exemption. Conditional enrollment means that the child has received at least one dose of each required vaccine prior to enrollment and be on a schedule for subsequent immunizations.

(4) The owner shall inform parents of communicable illnesses or parasites on the day of discovery.

(5) The owner shall ensure that the use and accessibility to illegal substances or sexually explicit materials are prohibited by any person anywhere on the premises during the hours of operation when children are in care.

R430-50-10. Fire, Safety, and Sanitation.

(1) The owner shall have a disaster plan in case of fire, flood, earthquake, blizzard, power failure or other disasters that could create structural damage to the facility or pose a health hazard. The owner shall also have an emergency plan in the case of a missing child, death or serious injury to a child, which includes the name of a substitute care giver in the event the owner must leave the residence for any reason.

(a) A first aid kit shall be available in the home.

(b) The owner shall maintain an operating telephone in the home, unless there is a utility failure.

(c) The owner shall post the names and telephone numbers of the emergency medical personnel, fire department, police, and poison control by the telephone.

(2) The owner shall maintain fire extinguishers and smoke detectors in good operating condition on each floor occupied by

children. Two exits, leading to an open space at ground level, shall be present to permit the orderly evacuation of children. If the basement is used to provide child care, at least one exit shall be present leading to an open space at ground level.

(3) Each home shall have an outdoor play space which is safe, free from hazards, located away from traffic or water hazards, and is available on the premises or is easily and safely accessible to the home. If a fence is required to protect children from any traffic or water hazards then the fence shall be at least four feet high. If local ordinances conflict, the owner may request a variance from the Department.

Any gaps within the fence and the bottom edges of the fence shall not be more than three and one-half inches above the ground.

(4) If children are diapered at the home, then diapering shall occur in an area separate from food storage, food preparation, and eating area. A smooth nonabsorbent diaper changing surface and a sanitary container for soiled and wet diapers shall be available.

(5) Care givers and children shall wash their hands after using the toilet, before and after eating and before and after food preparation.

(6) Equipment and furniture must be durable, in good repair, structurally sound, and stable. Indoor and outdoor play spaces, toys and equipment shall be maintained in a safe manner to prevent injury to children.

(7) Dangerous items, such as sharp objects, medicines, plastic bags, and poisonous plants and chemicals, including household supplies, must be stored out of reach of children.

(8) Electrical outlets accessible to children four years of age and younger shall be protected or capped with safety devices.

(9) Hot water accessible to children shall not exceed 120 degrees Fahrenheit.

(10) There shall be adequate housekeeping to maintain a clean and sanitary home, to control, and eliminate the presence of insects, rodents, and other vermin on the premises.

(11) There shall be no firearms or other weapons accessible to children. Firearms and other weapons shall be stored separately from ammunition and all shall be in a locked cabinet or area during times when children are on the premises, unless the use is in accordance with UCA 53-5-701 Concealed Weapons Act, UCA 76-10-523 Persons Exempt from Weapons Laws or as otherwise authorized by law.

(12) If the owner has pets at the home:

(a) the animals shall be clean and in good health;

(b) the animals shall have current vaccination records available for all diseases transmissible to humans;

(c) the animals shall have no history of dangerous or aggressive behavior;

(d) the children shall not clean nor assist with the cleaning of animals, animal cages, pens or equipment;

(e) the animal cages and equipment shall not be cleaned in food preparation or food storage areas; and

(f) Children shall not be permitted to handle reptiles, including turtles and lizards.

R430-50-11. Transportation.

Only the owner may transport children in non-public vehicles. Children must be transported in the following manner:

(1) The vehicle is licensed, registered and inspected.

(2) The owner has a current Utah driver's license.

(3) The vehicle and owner are insured.

(4) The vehicle is equipped with individual, size appropriate safety restraints.

R430-50-12. Food Service.

(1) A meal or snack shall be served to the children at least every three hours. Infants shall be fed on demand or according to parent directions.

(2) The food preparation area shall be clean and sanitary.

(3) All care givers who prepare or serve food and snacks must have a current food handlers permit.

R430-50-13. Penalty.

The Department may impose civil monetary penalties in accordance with Title 63, Chapters 46b, Administrative Procedures Act and Section 26-39-108, if there has been a failure to comply with the provisions of this chapter, or rules promulgated pursuant to this chapter, as follows:

(1) if significant problems exist that are likely to lead to the harm of a child, the department may impose a civil money penalty of \$50 to \$1,000 per day; and

(2) if significant problems exist that result in actual harm to a child, the department may impose a civil money penalty of \$1,050 to \$5,000 per day.

KEY: child care facilities

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